

REMARKS

Claims 1-13 are pending. By this Amendment, Claim 1 is amended. Applicant respectfully submits that no new matter is presented.

Form PTO-SB/08a

Applicant respectfully notes the Form PTO-SB/08a attached to the Information Disclosure Statement dated May 4, 2006 and attached to the June 26, 2006 Office Action, has not been initialed by the Examiner indicating the Examiner has considered the submitted references cited therein. Applicant respectfully requests the Examiner consider the references and provide a copy of Form PTO-SB/08a with the Examiner's initials next to the cited references indicating the Examiner properly considered the references. A copy of the PTO Form SB/08a is attached for the Examiner's convenience.

Claim Rejections - 35 U.S.C. § 112

Claims 1-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Claim 1 has been amended in a manner believed to be responsive to the rejection. Applicant respectfully requests withdrawal of the rejection.

Rejections Under 35 U.S.C. § 103

Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,081,819 to Cloud in view of U.S. Patent No. 3,579,350 to Rudd et al. (Rudd). Applicant respectfully traverses the rejection for the following reason(s).

The Office Action states Cloud basically discloses the apparatus recited by Claim 1, but admits that Cloud fails to disclose or suggest the feature of the one forming head coupled with the pocket and being mobile towards and away from the pocket, which is recited by Claim 1.

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To cure the admitted deficiency of Cloud, the Office Action notes Rudd discloses a similar apparatus that uses a forming head coupled with the pocket and being mobile towards and away from the pocket.

Based on the above, the Office Action asserts it would have been obvious to one having ordinary skill in the art at the time the invention was made to have substituted Cloud's impressing belt 37 by using a forming/impressing head, as suggested by Rudd, in order to greatly increase the total number of pods produced.

Applicant respectfully disagrees with the assertion put forth by the Office Action. Applicant respectfully submits that Cloud and Rudd, alone or in any combination thereof, fail to disclose an actuating means that includes, for each pocket on a revolving drum conveyor means, at least one forming head coupled with the pocket, as recited by Claim 1.

In particular, Applicant submits that Cloud fails to disclose *any* forming head coupled with a pocket that is mobile towards and away from the pocket because Cloud merely discloses a suction means.

Moreover, Applicant notes that Rudd merely discloses three forming heads, i.e., 46, 47, 48, that are located in a defined portion of the apparatus and are less than the amount of the recesses of the forming plates. In other words, Rudd does not disclose or suggest having a forming head *for each recess on the forming plate*. For example, looking at Figure 5 of Rudd, there appear to be disclosed eighteen recesses for each side of the apparatus. Put simply, Rudd, like Cloud fails to disclose that an actuating means having, ***for each pocket on the revolving drum conveyor means, at least one forming head coupled with the pocket***. In other words, Rudd does not cure or otherwise address the admitted deficiency of Cloud.

Also, Applicant respectfully submits that there is no teaching or suggestion in either Cloud or Rudd that would motivate one of ordinary skill in the art to modify the Cloud/Rudd combination to include at least one forming head that is coupled to each pocket on the revolving drum conveyor.

Additionally, the Applicant notes that Rudd teaches doubling the number of plungers (46, 47, 48) by providing three plungers for each of the two sides of the apparatus. However, this feature is clearly different from the feature of recited by Claim 1 of the actuating means including, for each pocket on the revolving drum conveyor means, at least one forming head coupled with the pocket.

Moreover, the plungers (46, 47, 48) of Rudd are parallel to one another and are held by a flat supporting plate (41) while the recesses of the rotary drum conveyor of Cloud are disposed along a curved (circumferential) path which renders the recesses of Cloud unsuitable to be engaged at the same time by the plungers of Rudd. In fact, if one were to substitute the impressing belt of Cloud with the forming head of Rudd as is being asserted by the Office Action, physically, only one (i.e., a single) plunger of Rudd would be able to face a respective recess of the drum of Cloud in a perpendicular manner, while the other plunger would be inclined relative to the respective recess, and will not work in a correct way. In other words, the modified Cloud apparatus would not be able to function in the intended manner.

Furthermore, the Applicant respectfully points out that Cloud discloses a rotary drum conveyor while Rudd discloses a flat conveyor such that the features of the different types of rotary/conveyor mechanisms are not suitable for "interchanging" or substituting as is being asserted by the Office Action. In particular, one skilled in the art who is aware of the

different properties and features between rotary drum conveyors and flat horizontal conveyors would not be inclined to attempt to combine their features or teachings due to their different natures. For example, the rotary drum conveyor of Cloud has portions that face upward and downward, so it must overcome issues relating to gravity. Meanwhile, the flat horizontal conveyor of Rudd does not deal with this problem since all of Rudd's recesses faced upwards.

In view of the above, Applicant respectfully submit that the invention recited by Claim 1 is not obvious in view of the asserted Cloud/Rudd combination and should therefore be deemed allowable.

Claims 2-13 depend from Claim 1. it is respectfully submitted that these dependent claims should also be deemed allowable for at least the same reasons Claim 1 is allowable as well as for the additional subject matter recited therein.

Accordingly, Applicant respectfully requests withdrawal of the rejection.

Conclusion

In view of the above, reconsideration of the application, withdrawal of the outstanding rejections, allowance of Claim 1-13, and the prompt issuance of a notice of allowance is respectfully requested.

Should the Examiner believe anything further is desirable in order to place this application in better condition for allowance, the Examiner is requested to contact the undersigned at the telephone number listed below.

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In the event this paper is not considered to be timely filed, the Applicant respectfully petitions for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to counsel's Deposit Account No. 01-2300, **referencing docket number 023349.00318.**

Respectfully submitted,
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